

Mayer Brown LLP  
71 South Wacker Drive  
Chicago, IL 60606  
United States of America

T: +1 312 782 0600  
F: +1 312 701 7711

mayerbrown.com

December 14, 2023

BY ECF

Hon. Paul A. Engelmayer  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Jordan Sagalowsky**  
Partner  
Mayer Brown LLP  
T: 12125062500  
F: 12122621910  
jsagalowsky@mayerbrown.com

Re: O'Guynn v. The 3M Company, et al. (Case No. 1:23-cv-10700)

Dear Judge Engelmayer:

I am counsel to defendant 3M Company in the above captioned action. I write with the consent of all parties to respectfully request an adjournment of the December 20, 2023 initial pretrial conference (*see* Dkt. 4). All parties expect this action to be transferred within the next several weeks to a multi-district litigation pending in the District of South Carolina. As discussed below, we submit that a conference with Your Honor at this juncture likely would be an inefficient use of the Court's and the parties' respective time and resources.

On December 8, 2023, 3M filed with the Judicial Panel on Multidistrict Litigation ("JPML") a Notice of Potential Tag-along Actions identifying this case as appropriate for inclusion in the *In re Aqueous Film-Forming Foams Products Liability Litigation* multidistrict litigation pending in the District of South Carolina ("AFFF MDL"). Plaintiffs in this case expressly assert AFFF claims against the Defendants (*see, e.g.*, Compl. ¶ 1), and the parties expect the JPML Clerk to issue within the next week or so a Conditional Transfer Order ("CTO") for transfer of this case to the District of South Carolina under 28 U.S.C. § 1407. Under JPML Rule 7.1, if a CTO is issued, the JPML Clerk "shall not send the order to the clerk of the transferee district court until 7 days after its entry" to allow time for any party to oppose transfer, and any party opposing transfer must file a notice of opposition within 7 days of issuance of the CTO. Because none of the parties oppose the transfer of this action to the AFFF MDL, the parties anticipate that the transfer will be finalized by the JPML approximately one week after issuance of the CTO.

Accordingly, the parties respectfully submit that, in light of the virtually certain transfer of this case to the AFFF MDL within the next several weeks, it would be inefficient and a waste of judicial resources to hold an initial pretrial conference at this juncture. The parties will, of course, keep the Court apprised of any further direction or orders from the JPML concerning the transfer of this case.

We thank the Court for its time and attention to this matter.

Mayer Brown LLP

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December 14, 2023  
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Respectfully submitted,

/s/ Jordan Sagalowsky  
Jordan Sagalowsky  
MAYER BROWN LLP  
1221 Avenue of the Americas  
New York, New York 10020  
T: + 1 212 506 2500  
F: + 1 212 262 1910  
jsagalowsky@mayerbrown.com

*Attorney for Defendant 3M Company*

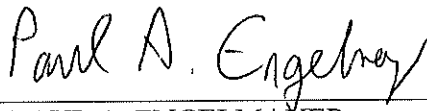
/s/ Patrick J. Lanciotti  
Patrick J. Lanciotti  
Andrew W. Croner  
Napoli Shkolnik PLLC  
360 Lexington Avenue, 11th Fl.  
New York, New York 10017  
T: 1 212 397 1000  
F: + 1 646 8437603  
acroner@napolilaw.com

*Attorney for Plaintiffs*

GRANTED. In the event the case has not by then been transferred to another district, counsel are to write the Court a status letter due January 24, 2024.

Dated: December 15, 2023  
New York, New York

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge